

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT E.D.N.Y.  
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IN RE:

HOLOCAUST VICTIM ASSETS  
LITIGATION

This document relates to: All Cases

Case No. CV 96-4849 (ERK)(MDG)  
(Consolidated with CV 96-5161 and  
CV 97-461)

MEMORANDUM & ORDER

Korman, Chief Judge:

I am in receipt of the March 22, 2007 Report and Recommendations of the International Organization for Migration (IOM) for the First Supplemental List of Payments to Legal Successors in In Re Holocaust Victim Assets Litigation (Swiss Banks) ("First IOM Supplemental Legal Successor Report") which includes claims that were approved by this Court for payment as indicated in the First through Third IOM Legal Successor Reports. The First IOM Supplemental Legal Successor Report advises that, in accordance with the Distribution Plan, my Memorandum & Order dated June 28, 2001, and my Memorandum & Order dated September 25, 2002, IOM will be prepared, on or about March 30, 2007 to begin to transfer payments to 26 eligible legal successors for 12 deceased eligible victims in Slave Labour Class I.

All of the 26 legal successors described in the First IOM Supplemental Legal Successor Report satisfy the eligibility criteria for legal successors as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders as well as the criteria of the German Foundation Act, as it is applied to legal succession in the Swiss Banks programmes. All legal successors in the First IOM Supplemental Legal Successor Group have proven that the deceased victims died later than 15 February 1999. All legal successors have also proven that they informed IOM of their right to legal succession within the required notice period, have provided proof of relationship to the

respective deceased victims and are the closest heirs, in accordance with the eligibility succession specified under the German Foundation Act.

Since the 12 claims were initially submitted to the Court, an additional 18 eligible legal successors have been identified for these deceased eligible victims. IOM therefore requests that the Court authorize modification of the initial distribution of payments, as described in the First IOM Supplemental Legal Successor Report. IOM does not request any funds but merely a modification to the distribution as the distribution was originally approved. Funds have already been received for these payments.

In the interest of privacy, the names and other identification information relating to all eligible deceased victims and their respective eligible legal successors included herein have been filed with the Court under seal in Appendix A (“HVAP LS Supplemental Lists I-III”) accompanying the First IOM Supplemental Legal Successor Report.

Accordingly, in anticipation of the forthcoming distribution of awards as follows:

USD 1,450 for each of 12 Slave Labour Class I victims deceased on or after 16 February 1999 whose claims have been submitted to this Court for approval of payment awards to be distributed to 26 eligible legal successors of those deceased eligible victims;

and

who comprise the first supplemental group of legal successor payees (“HVAP Supplemental LS Lists I-III”), it is hereby

ORDERED that IOM pay the 26 eligible legal successors on behalf of 12 deceased eligible victims whose claims are listed in HVAP Supplemental LS Lists I-III appended to the First IOM Supplemental Legal Successor Report, and that were

already approved in previous HVAP payment groups, a total of USD 17,400.00, already transferred from the Settlement Fund to the IOM-HVAP Citibank Geneva Account to meet the projected distribution, as described in the First IOM Supplemental Legal Successor Report.

SO ORDERED:

S / Edward R. Korman

Edward R. Korman  
United States District Judge

Dated: Brooklyn, New York  
March 5, 2007